

## UNITED STATES DISTRICT COURT

Paolo Pronesti,

V.

Golden Entertainment,

Case No.: 2:19-cv-01172-JAD-NJK

## Order Denying Motions

[ECF Nos. 25, 27]

On February 10, 2020, the court heard and granted defendant’s motion to dismiss and gave plaintiff Paolo Pronesti until March 11, 2020, to file his amended complaint.<sup>1</sup> Instead of filing an amended complaint, Pronesti moves to file an amended opposition to the already-granted motion to dismiss.<sup>2</sup> Because the court has already granted the motion to dismiss, Pronesti’s request to file an amended opposition to it comes too late. So the court denies this motion as untimely. Pronesti’s proper avenue of relief from the order granting the motion to dismiss would be to move to reconsider the order granting the motion. However, the court cautions Pronesti that the rules of this court allow reconsideration only if “(1) there is newly discovered evidence that was not available when the original motion or response was filed, (2) the court committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.”<sup>3</sup> A party moving for reconsideration must also “state with particularity the points of law or fact that the court has overlooked or misunderstood.”<sup>4</sup>

<sup>1</sup> ECF No. 24 (minutes of hearing on motion to dismiss, ECF No. 12).

<sup>2</sup> ECF No. 25.

<sup>3</sup> L.R. 59-1(a).

<sup>4</sup> *Id.*

**IT IS THEREFORE ORDERED** that Pronesti's Motion for Request Extension of Time and for Leave to File an Amended Opposition to Defendant's Motion to Dismiss [ECF No. 25] **is DENIED**;

IT IS FURTHER ORDERED that Defendant's Motion to Strike Plaintiff's Motion to Extend Time and for Leave to Amend [ECF No. 27] is **DENIED as moot**.

**In light of this order, the court extends Pronesti's deadline to file his amended complaint to April 13, 2020.**

Dated: March 17, 2020

  
U.S. District Judge Jennifer A. Dorsey